

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JAMES HURSHELL WHATLEY

PLAINTIFF

V.

NO. 4:21-CV-55-DMB-DAS

**KILOLO KIJAKAZI,
Acting Commissioner of the Social
Security Administration**

DEFENDANT

ORDER

On April 26, 2021, James Hursshell Whatley filed a complaint in the United States District Court for the Northern District of Mississippi seeking judicial review of the decision denying his claim for supplemental security income and/or disability insurance benefits. Doc. #1. On December 29, 2021, this Court reversed the unfavorable decision and remanded this case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Doc. #20. The next day, Whatley filed a motion for an award of attorney's fees in the amount of \$5,424.27 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d),¹ made payable to him for the benefit of his counsel, for 26.60 total hours of work performed at the rate of \$203.92 per hour. Doc. #21. The Commissioner does not object to the requested hourly award. Doc. #22.

In the absence of objection to the hourly rate and hours worked, the Court finds a fee award of \$5,424.27 is reasonable and no special circumstance would make the award unjust. Accordingly, Whatley's motion for attorney's fees [21] is **GRANTED**. The Commissioner is **DIRECTED** to promptly pay Whatley \$5,424.27 in attorney's fees for the benefit of his counsel. The award shall be made payable to Whatley and mailed to his counsel's address.

¹ The judgment in this case is properly considered final because the case was remanded pursuant to sentence four of 42 U.S.C. § 405(g), which "terminates the civil action seeking judicial review of the Secretary's final decision." *Shalala v. Schaefer*, 509 U.S. 298–99 (1993) (cleaned up).

SO ORDERED, this 11th day of January, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE